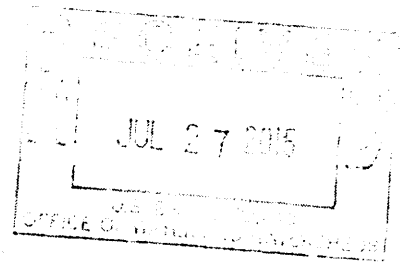




STATE OF WASHINGTON
DEPARTMENT OF ECOLOGY

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July 21, 2015

Mr. Michael J. Lidgard, Manager
NPDES Permit Unit
U.S. EPA, Region 10
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

**RE: Preliminary certification of Draft EPA General Permit for Federal Aquaculture
Facilities and Aquaculture Facilities Located in Indian Country**

Dear Mr. Lidgard:

The Washington State Department of Ecology (Ecology) has reviewed the Environmental Protection Agency's (EPA's) draft National Pollutant Discharge Elimination System (NPDES) General Permit for Federal Aquaculture Facilities and Aquaculture Facilities Located in Indian Country Within the boundaries of the State of Washington (WAG-130000) (the draft permit). Ecology appreciates EPA's request for a preliminary section 401 Certification of the draft permit. This letter transmits our preliminary 401 Water Quality Certification on this draft permit.

Our staff has been in contact with the EPA permit writer and has had discussion about monitoring requirements and minor changes. Notwithstanding those comments, the draft permit as *currently written* complies with Washington State's water quality standards. This is a preliminary Section 401 water quality certification on the draft permit. Ecology is reserving formal section 401 certification until after the public comment period and Ecology can review the final permit prior to its issuance by EPA.

Thank you for the opportunity to comment. If you have any questions, please contact Bill Moore at bill.moore@ecy.wa.gov or (360) 407-6460; or Lori LeVander at lori.levander@ecy.wa.gov or (425) 649-7039.

Sincerely,

Heather R. Bartlett
Water Quality Program Manager

cc: Lori LeVander, NWRO
Bill Moore, Section Manager



September 9, 2015

Mr. Michael J. Lidgard, Manager
NPDES Permits Unit
EPA Region 10, OWW-130
1200 Sixth Avenue, Suite 900
Seattle, WA 98101-3140

SUBJECT: Lummi Nation Clean Water Act Section 401 Pre-Certification for the Reissuance of the NPDES General Permit for Federal Aquaculture Facilities and Aquaculture Facilities Located in Indian Country within the Boundaries of the State of Washington (Permit No. WAG-130000)

Dear Mr. Lidgard:

In response to your letter dated August 13, 2015 and Section 401 of the Clean Water Act (CWA), the Lummi Natural Resources Department hereby certifies that the proposed issuance of the draft National Pollutant Discharge Elimination System (NPDES) General Permit for Federal Aquaculture Facilities and Aquaculture Facilities Located in Indian Country within the Boundaries of the State of Washington (Permit No. WAG-130000) will comply with the applicable provisions of Sections 301, 302, 303, 306, and 307 of the CWA and Title 17 of the Lummi Code of Laws, as amended provided that the conditions listed below are implemented.

General Conditions:

1. Pursuant to LCL Title 17, each operator of a facility that discharges to Lummi Nation Waters shall be responsible for achieving compliance with the Water Quality Standards for Surface Waters of the Lummi Indian Reservation (Lummi Administrative Regulations [LAR] 17 LAR 07.010 through 17 LAR 07.210).
2. Each operator of a facility that discharges to Lummi Nation Waters shall submit a copy of the Quality Assurance Plan (QA Plan) and Hatchery Best Management Practices Plan (BMP Plan) to the Lummi Water Resources Division for review and approval prior to submitting certification to the EPA that the plans have been developed and implemented.